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October 27, 2000

Sent via e-mail and either hand delivery or U.S. mail

Mary L. Cottrell, Secretary
Massachusetts Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, MA 02110

Re: 413 Area Code Relief, D.T.E. 00-64

Dear Ms. Cottrell:

Enclosed please find for filing the Attorney General's Comments, together with a Certificate of Service.

Respectfully submitted,

Karl en J. Reed
Assistant Attorney General
Regulated Industries Division
Office of the Attorney General

Untitled

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KJR/kr

Enc.

cc: Paula Foley, Hearing Officer (w/enc.)

Attached Service List (w/enc.)

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition of NeuStar, Inc., as the North American Numbering)
Plan Administrator and on behalf of the Massachusetts)
telecommunications industry, for area code relief for the 413 area) D.T.E. 00-64
code in Western Massachusetts.)

ATTORNEY GENERAL'S COMMENTS

Pursuant to the September 7, 2000 Notice of Public Hearings issued by the Department of Telecommunications and Energy ("Department" or "DTE"), the Attorney General submits to the DTE his comments on NeuStar, Inc.'s ("NeuStar") August 1, 2000, petition to implement an all-services distributed overlay area code relief plan in the 413 area code for western Massachusetts ("NeuStar Petition"). (1) Specifically, the Attorney General asserts the following:

The DTE should evaluate the carriers' utilization and forecast information to determine whether the 413 number plan area ("NPA" or "area code") is, in fact, in jeopardy and whether a relief plan should be selected. Meanwhile, the DTE should use its available number conservation authority.

Next, if the DTE determines that the 413 NPA is in jeopardy, then it should issue a

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statement to that effect, select a relief plan and implementation date, and create a number rationing plan for the industry.

If the DTE determines that a new area code is unavoidable, the DTE should seek more input from consumers in the 413 NPA before selecting a relief plan.

1. The DTE should determine whether a new area code for western Massachusetts is necessary before setting an implementation date.

NeuStar, acting as the North American Numbering Plan Administrator ("NANPA") and on behalf of the telecommunications industry, filed a Petition on August 1, 2000, seeking area code relief for the 413 NPA. In its petition, NeuStar asked the DTE to select an overlay relief plan and a relief implementation date for the 413 NPA. (2) NeuStar also submitted two alternate geographic split plans for the DTE's consideration. (3) NeuStar's Petition is consistent with the telecommunications industry's prevailing approach to number usage, i.e., to ask for new area codes before NeuStar declares jeopardy, before the DTE investigates the need for creating a new area code, and before the DTE explores number conservation measures. The DTE should reject this approach and, instead, first determine whether area code relief actually is necessary before selecting a relief plan, an implementation date, and a rationing plan.

The industry's approach, which attempts to preempt a proper DTE investigation, ignores the burdens placed on consumers when the DTE creates a new area code: changes to phone dialing patterns, advertisements, stationery and business cards; the need to reprogram alarm systems, phone directories and speed dialers to distinguish the new area code.

Before rewarding the industry's wasteful appetite for new numbers, the DTE first should determine whether there exists a bona fide need for a new area code. NeuStar estimates that there are enough phone numbers to last until the first quarter of 2002, (4) but has not declared the NPA to be in jeopardy and in need of rationing. (5) These circumstances led the Attorney General to assert in his comments last month to the Federal Communications Commission ("FCC"), that the 413 NPA is in jeopardy, based on NeuStar's estimated exhaust date, the absence of an industry rationing plan, the time required to plan implement a relief plan, and the industry's accelerated exchange code usage. (6) Since NeuStar has not declared the 413 NPA to be in jeopardy, the DTE should now evaluate the carriers' utilization rates and forecasts to ascertain for itself whether the 413 NPA is in jeopardy and whether rationing and relief plans are, in fact, necessary at this time. (7) Furthermore, the DTE should proceed to implement its existing number conservation authority, including reclaiming inactivated exchange ("NXX") codes, rate center consolidation, and sequential number assignment. (8) This will help forestall the need for a new area code and the attendant burdens on consumers of that change.

2. If the DTE determines that the 413 NPA is in jeopardy, the DTE should create a rationing plan for the industry.

The DTE should be prepared to create a rationing plan for the 413 NPA with assistance from NeuStar, and based on NANPA's interim jeopardy procedures, which allocate 3 exchange codes per month. (9) The DTE could easily use the confidential carrier number utilization and forecast data filed in response to the June 7, 2000 Letter Order as the basis for a rationing plan.

The industry is unlikely to act on its own absent a formal declaration by NeuStar that the NPA is in jeopardy. For example, Sprint has announced its reluctance to

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ration and, in comments filed with the FCC recently, Sprint and RCN-BecoCom expressly discouraged the FCC from delegating rationing authority to the DTE because it would "artificially limit the demand for numbers." (10) Of course, Sprint's position ignores the costs of adding new area codes. Rationing, however, would increase the available supply of exchange codes for assignment to carriers and delay the unpleasant consequences that a new area code inherently brings to consumers.

3. If number conservation will not work, then the DTE should seek more consumer input before choosing a relief plan for western Massachusetts.

If the DTE's investigation and conservation efforts ultimately reveal that a new area code is unavoidable in western Massachusetts, then the DTE should proceed to gather more information from consumers about their preferred relief plan. The DTE should not simply rely on its selection of four overlay relief plans for eastern Massachusetts. Just because most of the comments given in eastern Massachusetts during the DTE's previous area code relief proceeding, DTE 99-11, favored an overlay over a geographic split, this does not mean that the DTE should automatically apply the same solution to western Massachusetts. Consumer participation to date has been minimal and should not form the sole basis for evaluating the consumers' choice. Further input is necessary before the DTE can comfortably or accurately rely evaluate the public's preference.

4. Conclusion.

The DTE is charged with the responsibility of determining whether a new area code is needed for western Massachusetts, when that new area code should be implemented, and whether area code relief should be granted using an overlay or a geographic split. The DTE should first determine whether its number conservation efforts will not prevent the introduction of a new area code. If it determines that its conservation efforts will be unsuccessful, then the DTE should seek additional input from the 413 NPA community regarding their preference for a relief plan.

Meanwhile, the DTE should use its existing number conservation authority to conserve the remaining supply of numbers in the 413 NPA and in the rest of the Commonwealth.

Respectfully submitted,

Karl en J. Reed

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DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition of NeuStar, Inc., as the North American Numbering)
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telecommunications industry, for area code relief for the 413 area) D.T.E. 00-64
code in Western Massachusetts.)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the attached service list by e-mail and either hand delivery or U.S. mail.

Dated at Boston this 27th day of October 2000.

Karl en J. Reed
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1. Western Massachusetts 413 NPA Area Code Relief, DTE 00-64, Petition of NeuStar, Inc., as the North American Numbering Plan Administrator ("NANPA") and on behalf of the Massachusetts telecommunications industry (filed August 1, 2000).

2. Under Alternative Number 1 - All Services Distributed Overlay, the new area code would cover the same geographic area as the current 413 area code; all local calls would require 10-digit dialing; customers would retain their existing telephone numbers, but customers seeking new service or additional telephone lines would receive numbers containing the new area code after the existing supply is exhausted.

3. Under either geographic split alternative, the NPA is split into two regions, based on the projected need for telephone numbers. One of the two regions would receive the new area code, and the other would retain the 413 NPA. All local calls would require 7-digit dialing. Under Alternative Number 2 - Geographic Split, the following rate centers are separated from the remainder of the NPA: Chester, Blandford, Granville, Russell, Westfield, Southwick, Holyoke, Chicopee, Springfield, East Longmeadow, Longmeadow, Ludlow, Wilbraham, Hampden, Palmer, Monson, Brimfield, and Warren. Under Alternative Number 3 - Geographic Split, the following rate centers are separated from the remainder of the NPA: Westfield, Southwick, Holyoke, Chicopee, Springfield, East Longmeadow, Longmeadow, Granby, Ludlow, Wilbraham, Hampden, Belchertown, Palmer, Monson, Gilbertville, Ware, Warren, and Brimfield.

4. NeuStar Petition at 2.

5. According to NANPA, jeopardy is declared "when the forecasted and/or actual demand for NXX resources will exceed the known supply during the planning/implementation interval for relief." Central Office Code (NXX) Assignment Guidelines, Alliance for Telecommunications Industry Solutions, INC 95-0407-008, reissued March 3, 2000 ("INC Guidelines"), Section 9.3.

6. In the Matter of the Massachusetts Department of Telecommunications and Energy's Petition for Delegation of Additional Authority to Implement Number Conservation Measures in Massachusetts, CC Docket No. 96-98, NSD-L-00-169 ("DTE Petition, NSD-L-00-169"), Attorney General's Comments (September 27, 2000) at 4-5.

7. The DTE has gathered much of this data pursuant to its June 7, 2000 letter order in which the DTE required all 413 NPA exchange code holders to file utilization reports and forecasts for numbering needs up to December 2003. DTE Letter Order to All 413 Western Massachusetts LNP and Wireless Carriers (June 7, 2000). Responses were due June 29, 2000. Id.

8. The FCC has held that state commissions may reclaim inactivated NXX codes, implement rate center consolidation, and require sequential number assignment within certain guidelines and without further delegation of authority from the FCC. Numbering Resource Optimization, Report and Order and Further Notice of Proposed Rule Making, CC Docket No. 99-200 (March 31, 2000), ¶¶ 9, 232-246.

9. INC Guidelines, Section 9.4.2.1.

10. DTE Petition, NSD-L-00-169, Sprint Comments (September 27, 2000) at 4; RCN-BecoCom Comments (September 27, 2000) at 5; RCN-BecoCom Reply Comments October 11, 2000) at 4.

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